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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 09/825,078   | 04/03/2001  | Roberto DeLima       | RSW92000141US1       | 9743             |
| 7590   | 12/02/2005  |                      | EXAMINER             |                  |
| Jeanine S. Ray-Yarletts<br>IBM Corporation T81/503<br>PO Box 12195<br>Research Triangle Park, NC 27709 |             |                      | BRUCKART, BENJAMIN R |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 2155                 |                  |

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/825,078             | DELIMA ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Benjamin R. Bruckart   | 2155                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-21,23-34,37-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-21,23-34,37-39 and 41-57 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-4, 6-21, 23-34, 37-39 and 41-57 are pending in this Office Action.

Claims 5, 22, 35-36, 40 are cancelled.

### **Response to Arguments**

Applicant's arguments filed 8/31/05 have been fully considered and are persuasive. The finality of 6/3/05 has been withdrawn.

### **Specification**

The disclosure is objected to because of the following informalities: Page 16, third paragraph from top has blank information that needs to be filled in the same way the amendment to page 1 of the specification was. The examiner believes applicant may mean, "U.S. Patent Application Serial No. 09/557,708 filed April 25, 2000."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 18 recites “a storage area used to store the determined TQoS values for the related messages.” Is the storage area embodied on a disk and if so, on the client or server computers. Is the storage area in the message itself?

**Applicant's invention as claimed:**

**Claims 1, 3-4, 6-13, 15, 52, 53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,247,050 by Tso et al.**

Regarding claim 1, a method of providing improved quality of service over a series of related messages exchanged between computers in a networking environment (Tso: col. 2, lines 48-59), comprising:

determining one or more transactional quality of service ("TQoS") values to be applied to the related messages (Tso: col. 4, lines 12-29);

using the determined TQoS values when transmitting at least one of the related messages for delivery to a particular one of the computers, wherein the particular computer is a client computer (Tso: col. 6, lines 3-31);

annotating selected ones of the related messages with information reflecting the determined TQoS values (Tso: col. 6, lines 17-31);

transmitting the annotated ones of the related messages with the information reflecting the determined TQoS values from a server computer to the client computer (Tso: col. 7, lines 1-4);

receiving the transmitted annotated messages at the client computer (Tso: col. 7, lines 1-4); and

transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages (Tso: col. 7, lines 4-15; col. 8, lines 28-45).

Regarding claim 3, the method according to claim 1, wherein one of the TQoS values is available bandwidth information pertaining to a network connection to the particular computer (Tso: col. 4, lines 11-29; col. 2, lines 58-59).

Regarding claim 13, the method according to claim 3, further comprising enforcing bandwidth allocation using the available bandwidth information as the at least one transmitted message is transmitted through the networking environment (Tso: col. 3, lines 16-34).

Regarding claim 4, the method according to claim 1, further comprising storing the determined TQoS values for use when transmitting subsequent ones of the related messages to the particular computer (Tso: col. 5, lines 50-54; Fig. 3, tag 26).

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Regarding claim 15, the method according to claim 4, wherein storing the determined TQoS values for use when transmitting subsequent ones of the related messages to the particular computer comprises storing the determined TQoS values in a server computer (Tso: col. 5, lines 50-54; Fig. 3, tag 26).

Regarding claim 6, the method according to claim 1, wherein:

the annotated messages transmitted from the server computer to the client computer comprise an object reference that is annotated to carry the TQoS values (Tso: col. 6, lines 18-31); and

transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages comprises automatically returning the TQoS values to the server computer with subsequent ones of the related messages based on the annotation of the object reference in a related message that is received from the server computer (Tso: col. 7, lines 4-32).

Regarding claim 7, the method according to claim 1, wherein at least one of the annotated messages is a response that serves a web page to the particular computer (Tso: col. 5, lines 55-col. 6, line 31).

Regarding claim 8, the method according to claim 1, wherein at least one of the annotated messages is a request from the particular computer for a Web page (Tso: col. 5, lines 8-23).

Regarding claim 9, the method according to claim 1, wherein at least one of the annotated messages is a request from the particular computer for a Web object (Tso: col. 5, lines 8-23).

Regarding claim 10, the method according to claim 1, wherein at least one of the annotated messages is a response that serves a Web page to the particular computer (Tso: col. 5, lines 55-col. 6, line 31) and wherein at least one of the subsequent ones of the related messages is a request for information referenced by the Web page (Tso: col. 7, lines 4-37; col. 8, lines 58-65).

Regarding claim 11, the method according to claim 1, wherein at least one of the annotated messages is a response that serves a Web page to the particular computer (Tso: col. 5, lines 55-col. 6, line 31) and wherein at least one of the subsequent ones of the related messages is a request for information selected from the Web page by a user of the particular computer (Tso: col. 7, lines 4-37; col. 8, lines 58-65; another request).

Regarding claim 12, the method according to claim 1, wherein using the determined TQoS values when transmitting at least one of the related messages for delivery to a particular one of the computers further comprises using the determined TQoS values to set markings in a network layer header of the transmitted annotated messages (Tso: col. 6, line 18-39).

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With regards to claim 52, the method according to claim 1, further comprising storing TQoS values as one or more cookies on the client computer (Tso: col. 7, lines 17-26; col. 8, lines 41-45).

With regards to claim 53, transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages comprises determining the TQoS values to be transmitted from the client computer based on the stored one or more cookies on the client computer (Tso: col. 7, lines 17-26).

**Claim 2, 14, 16-18, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,247,050 by Tso et al in view of U.S. Patent No. 6,865,153 by Hill et al.**

Regarding claim 2,

The Tso reference teaches the method according to claim 1.

The Tso reference does not explicitly state priority.

The Hill reference teaches using TQoS values for a transmission priority value to be used when transmitting the annotated messages (Hill: col. 3, lines 29-40).

The Hill reference further teaches the invention augments messages with QoS shaping characteristics to assist in forwarding information (Hill: col. 1, lines 22-28, 46-57).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of improved quality of service over a series of related messages as taught by Tso while employing priority values as taught by Hill in order to assist in forwarding information (Hill: col. 1, lines 22-28, 46-57).

Claim 14, 16-18, 34 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Hill and Tso.

Regarding claim 14, the method according to claim 2, further comprising using the transmission priority value to prioritize the transmission of the at least one transmitted message through the networking environment (Hill: col. 3, lines 6-21).

Regarding claim 16, the method according to claim 2, wherein annotating selected ones of the related messages with information reflecting the determined TQoS values further comprises storing the information reflecting the determined TQoS values as part of a routing token in the annotated messages (Tso: col. 6, lines 18-39).

Regarding claim 17, the method according to claim 16, wherein the routing token is used to modify a Uniform Resource Locator from a header of selected ones of the related messages (Tso: col. 6, lines 18-39).

Regarding claim 18, the method according to claim 17, wherein the routing token further comprises information enabling identification of the particular computer and another computer which performs the transmitting step (Tso: col. 6, lines 22-26; col. 5, lines 55-58; col. 7, lines 38-

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50), as well as identification of a storage area used to store the determined TQoS values for the related messages (Tso: col. 6, lines 55-67).

Regarding claim 34, the system according to claim 22, wherein:

the TQoS values comprise at least (1) a transmission priority value to be used when transmitting the annotated messages (Hill: col. 3, lines 6-21) and (2) available bandwidth information pertaining to a network connection to the particular computer (Tso: col. 4, lines 11-29; col. 2, lines 58-59); and

at least one of the annotated messages is a response that serves a Web object to the particular computer from a network cache (Tso: col. 5, lines 55-col. 6, line 31); and

wherein the means for using the determined TQoS values further comprises using the determined TQoS values, to prioritize transmission of the packet to enforce bandwidth allocation using the available bandwidth information as the packet is transmitted (Tso: col. 2, lines 57 – col. 3, line 21).

## REMARKS

The rejection has been amended to clarify more prior art that reads upon the claims.

## PRIOR ART

Prior art cited but not relied upon for this rejection.

U.S. Patent No. 6,286,052 by McCloghrie et al teaches traffic flow over a network with identifying information.

U.S. Patent No. 6,671,724 by Pandya et al teaches embedding information in a header for link information.

U.S. Patent No. 6,185,625 by Tso et al teaches enhanced data access over a network based on user-specified data.\*

U.S. Patent No. 6,421,733 by Tso et al and U.S. Patent No. 6,892,226 by Tso et al teaches dynamic data presented to a client based on capabilities.

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U.S. Patent No. 6,742,047 by Tso et al teaches filtering a data object for client based quality standards.

### Conclusion

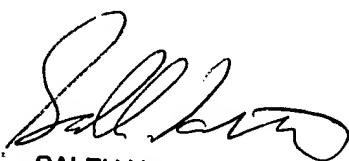
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb *BryB*



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER